

REMARKS

Claims 18-45 are pending in this application. In the last Office Action, which was in response to an Amendment filed on September 24, 2001, the Examiner had renumbered claims 40-46 of the last Amendment as 39-45 because the last Amendment did not contain a claim 39. Claims 18-45 above are now numbered to reflect the numbering scheme directed by the Examiner. Claims 42 and 43 are being amended herein to update their dependencies.

In the last Office Action, claims 18-19, 24-25, 29-30, 34-35, and 39-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Amin (U.S. Pat. No. 6,014,559). In addition, claims 20-23, 26-28, 31-33, 36-38, and 41-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Amin in view of Bartholomew et al (U.S. Patent No. 6,215,858). Finally, claims 44-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Amin in view of Kasper et al (U.S. Patent No. 5,177,780).

- 1. The rejection of claims 18-45 should be withdrawn because Amin does not transmit a message waiting indication to the wireless device and landline communication device as claimed**

Claims 18, 24, 29, 34 and 39 were rejected under § 102(e) as anticipated by Amin. Applicants submit that this rejection should be withdrawn because Amin does not teach or suggest transmitting a message waiting indication to the wireless device and the landline communication device as recited in these claims.

Claim 18 recites a system for providing voice messaging to a wireless device and a landline communication device, “wherein the wireless device may be identified by a first telephone number and the landline device may be identified by a second telephone number,” and “wherein when a request to leave a message is received at the mobile switching center interface for either the wireless device or the landline communication device, a voice message waiting indication is transmitted to both the wireless device and the landline communication device.”

By contrast, Amin discloses a “method and system for delivering a voice mail notification to a private base station using [a] cellular phone network.” See Title (emphasis added). The system disclosed in Amin’s FIG. 1 includes a mobile station (MS) 10 and a private base station (PBS) 20. As described in Amin, “[t]he mobile station 10 and private base station 20 are designed to operate in a cellular system in accordance with the Telecommunications Industry Association (TIA) Interim Standard (IS)-136, dated December 1994.” See col. 4, ln. 12-15. According to the method shown in Amin’s FIG. 3, “[i]f the cellular phone was not at home and located in the network, the voice mail notification is sent to the private base station and the mobile station, (Block 222).” See col. 6, ln. 54-57; see also col. 6, ln. 10-13. The last Office Action relied upon this aspect of Amin as teaching transmitting the message waiting indication to both the wireless device and the landline communication device as recited in claim 18.

Applicants submit that for a number of reasons Amin does not teach or suggest the invention recited in claim 18. First, Amin’s private base station 20 is not a “landline communications device” as recited in claim 18. Although the private base station 20 is shown in FIG. 1 as coupled to the public switch telephone network, private base station 20 is not part of the public switch telephone network, but rather as Amin specifically states private base station 20 is “designed to operate in a cellular system.” See col. 4, ln. 12-15. That is, private base station 20 is a base station that may be used with mobile station 10.

Second, claim 18 recites that “the wireless device may be identified by a first telephone number and the landline device may be identified by a second telephone number.” The private base station 20 in Amin is not “identified by a second telephone number” as recited in claim 18.

Third, claim 18 recites that “when a request to leave a message is received at the mobile switching center interface for . . . the landline communication device, a voice message waiting indication is transmitted to both the wireless device and the landline communication device.” Amin does not disclose transmitting a message waiting

indicator to a wireless device after receiving a request to leave a message at a landline device.

Similarly, claim 24 recites a system that includes a mobile network interface “receiving a request through said mobile switching center to leave a message for a landline communication device” and a message waiting indicator that “transmits a voice message waiting indication to both the wireless device and the landline communication device when a voice message is received for either the wireless device or the landline communication device.” For the reasons noted above, Amin does not disclose receiving a request through a mobile switching center to leave a message for a landline communication device or transmitting a voice message waiting indication to a landline communication device as recited in claim 24.

Claim 29 recites a method that includes “receiving a message . . . for a landline communication device through a mobile switching station” and “transmitting a voice message waiting indication to said wireless device and said landline communication device.” In addition, claim 34 recites an apparatus that includes a “means for receiving a message . . . for a landline communication device through a mobile switching station” and a “means for transmitting a message waiting indication to said wireless device and said landline communication device.” For the reasons noted above, Amin does not disclose receiving a message for a landline communication device through a mobile switching station or transmitting a voice message waiting indication to a landline communication device.

Finally, claim 39 recites a system including a “mailbox that is associated with a first communication device having a first telephone number and a second communication device having a second telephone number,” and a message waiting indicator that “transmits a message waiting indication to both the first communication device and the second communication device when a request to leave a message is received at the network interface.” Amin does not disclose a mailbox that is associated with a first communication device having a first telephone number and a second communication device having a second telephone number, or the transmission of a message waiting indicator to the first communication device and the second

communication device when a request to leave a message is received at the network interface.

For at least these reasons, Applicants submit that the rejection of claims 18, 24, 29, 34 and 39 under § 102(e) should be withdrawn. The remaining claims depend from independent claims 18, 24, 29, 34 or 39 and are allowable for at least the same reasons as set forth above with respect to claims 18, 24, 29, 34 or 39.

2. The Rejection of Claims 20-23, 26-28, 31-33, 36-38, 41-42, and 44-45 should also be withdrawn as prohibited by 35 U.S.C. § 103(c)

An additional reason for withdrawing the rejections of claims 20-23, 26-28, 31-33, 36-38, 41-42 and 44-45 as obvious over Amin in view of either Bartholomew or Kasper is that, pursuant to 35 U.S.C. § 103(c), Amin is not a prior art reference against Applicants for the purposes of § 103(a). Under to § 103(c), subject matter which might otherwise be prior art under § 103 via 35 U.S.C. § 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." See 35 U.S.C. § 103(c).

The last Office Action asserts that Amin is prior art against the present invention under § 102(e). However, the present application (U.S. Appl. No. 08/985,122) and Amin (U.S. Pat. No. 6,014,559) were owned by AT&T WIRELESS SERVICES, INC at the time the invention that is claimed in the present application was made. As explained in the MPEP, this statement alone is sufficient evidence to disqualify Amin from being used in a rejection under 35 U.S.C. § 103(a) against the claims in the present application. See MPEP 706.02(I)(2)(II) at page 700-55.

Thus, for this additional reason, Applicants request the withdrawal of the rejections of claims 20-23, 26-27, 31-32, 36-37, 41-42 and 44-45 as obvious over Amin in view of either Bartholomew or Kasper.

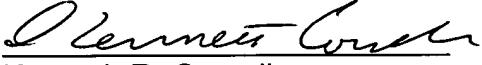
3. Conclusion

Applicants respectfully requests entry of the above amendments and favorable action in connection with this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4310 to discuss any matter concerning this application.

Respectfully submitted,

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